

**RECOMMENDATION FOR ENFORCEMENT
NUCLEAR WASTE PROGRAM**

RECEIVED

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To: Jane Hedges
Program Manager /Section Manager

DEPARTMENT OF ECOLOGY
NWP - RICHLAND

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Hazardous Waste Compliance Inspectors

Subject: Penalty and Order for United Stated Department of Energy (USDOE) and
CH Plateau Remediation Company (CHPRC)

Central Waste Complex (CWC), Waste Receiving and Processing Facility
(WRAP), and Low Level Burial Grounds (LLBG) Hanford Facility
RCRA ID #WA 7 89000 8967

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The purpose of this memo is to recommend enforcement against USDOE (owner) and CHPRC (operator) for violations of the state Dangerous Waste Regulations Chapter 173-303 WAC at the above referenced facility. This recommended enforcement action consists of a penalty in the amount of \$1,266,000, and a unilateral order to be issued in the event that settlement talks fail to settle the violations.

1.0 Overview

The Hanford Facility generates radioactive dangerous waste (mixed waste) from waste retrieval and cleanup activities throughout the site. Mixed wastes are retrieved from burial sites or generated during cleanup activities at various locations on the Hanford Facility. These "solid" mixed wastes are moved to one of four treatment, storage, or disposal (TSD) unit groups that are collectively referred to as the solid waste operations complex. Two of these four TSD unit groups are the CWC and WRAP unit groups.

The CWC is a large-capacity storage area that consists of a number of buildings, asphalt pads, and a graveled area referred to as the "expansion area." The CWC receives both large boxes as well as drums. The WRAP is a smaller TSD unit group that is able to receive and to a certain degree, process drums with solids and small amounts of liquids. The LLBG is the source for the containers of mixed waste that were originally buried there as early as the 1970's.

Retrieval activity occurs under the Hanford Dangerous Waste permit and the Hanford Federal Facility Agreement and Administrative Consent Order, also referred to as the Tri-Party Agreement (TPA). The TPA contains milestones for retrieving the buried waste from the trenches.

During waste retrieval operations in summer of 2011 the Hanford Facility removed boxes and containers from burial trenches as part of the TPA Milestone M-091. A number of these containers were transported directly off-site to a third, commercial TSD owned by PermaFix Northwest Richland (PermaFix) for opening, management, treatment, and/or repackaging.

This enforcement addresses violations of the dangerous waste regulations at CWC and WRAP TSD Unit Groups.

2.0 Summary of Facts

2.1 CWC Leaking Box Investigation

Inspectors Kerry Graber and Joannette Biebesheimer opened an investigation at the CWC on March 7, 2012. The investigation was a response to contact from the CWC unit group that a mixed waste box was leaking liquid to the soil in the graveled expansion area. While the incident was called in to the Nuclear Waste Program, it was not a timely and formal notification of a spill as is required by the dangerous waste regulations. The call was made on February 7, 2012 to notify that liquids from the box were observed on February 6, 2012. Ecology discovered through the investigation that CHPRC knew there was an on-going release of radioactive particles to the ground beginning on December 20 of 2011.

The concrete and metal-banded box was originally retrieved from the burial grounds in 2009 and brought to the CWC where it remains outside in the expansion area. The liquid leaking from the box was sampled and tested during the investigation. The results of this sampling event, coupled with earlier data from CHPRC samples, confirmed that hazardous constituents were released from the box.

Under Ecology's oversight the leaking box has since been covered by a canopy and is no longer leaking. Plans are proposed to Ecology for either wrapping and continuing to cover the box until it can be managed at a treatment facility, or moving it to PermaFix for opening and treatment.

The box is among over 500 mixed waste boxes of various materials and construction design in the expansion area that are supposed to contain only "solid" hazardous debris. There are currently no routine procedures to confirm these containers are devoid of liquid waste And eligible to be managed without a secondary containment system.

The incident contributed to the inspectors' growing concern that the containers stored in the expansion area at CWC are stored without adequate secondary containment and protection from the elements. Through investigation and review of existing information on container management from waste retrieval operations inspectors confirmed that a significant number of

containers from the LLBG do not match the waste profiles developed by USDOE or CHPRC, and contain liquids or other hazards of concern that are not identified prior to storage on gravel.

The dangerous waste regulations require that when a TSD does not have complete and reliable knowledge about the contents of waste containers, the most stringent and protective management standards apply. The CWC gravel expansion area does not meet the required standards for secondary containment.

2.2 WRAP Leaking Drum Investigation

Ecology Inspector Kathy Conaway learned of a leaking drum stored in the 2404-WB building at the WRAP TSD unit group by reading the Hanford weekly occurrence incident report dated 4/27/2011. Ecology was not directly notified of the drum spill described in the occurrence report. Ecology initiated contact with the WRAP TSD unit group to open an investigation of the occurrence.

On April 26, 2011, a WRAP nuclear chemical operator (NCO) noticed liquid on the floor in the 2404-WB building while inspecting drums in preparation for a waste shipment to the Waste Isolation Pilot Project in New Mexico. The line NCO identified a drum with liquid toward the bottom of the drum, on the pallet beneath it and on the floor. The NCO contacted the Lead NCO. The Lead NCO notified personnel to move to the doorway of the building, and then contacted his manager who requested the drum ID number.

Because liquids on the floor of this building are not uncommon due to rainwater from roof leaks, the lead NCO understood the question as direction to obtain the number by allowing the line NCO to return to the site of the unknown liquid.

The Radiological Control Technician (RCT) arrived to perform work to quantify the rad contamination for decision making. He put on surgeon's gloves that were a size too small because that was all that was available at the location. He performed his job with the line NCO standing several feet away. When both workers exited the area, the RCT found alpha contamination on his wrist, which the RCT believes could have occurred because of the wrong glove size he wore. Both workers were provided medical treatment. Other personnel were given whole body surveys.

Initially, the amount of liquid was estimated at 20 ml (after more observation, the amount increased to an estimated 300ml). Radiological Control Technician's (RCT) surveys indicated high alpha contamination reading off-scale on the 100X factor scale. There was no air sampling equipment deployed at the time of discovery. The facility stated that the leaking 55-gallon drum (#0062288) contained primarily transuranic-mixed debris type waste that was generated from the Hanford Site 325 radiochemistry building.

To understand the full extent of the systemic failure around the management of the drum, inspectors investigated the origin of where it came from. The history of this drum is that it was placed in the low level burial grounds in 1979, and was retrieved in March of 2006. Acceptable Knowledge (AK), a collection of historical information used to designate the waste stream and

contents of containers, indicated that the drum contained debris waste from the Hanford 325 facility. The TRU project also identified the drum as a potential beryllium container, a highly persistent and toxic hazardous chemical. Because it is a powder, it can be an inhalation hazard to the respiratory tract if released.

When the drum first came out of the burial grounds the original Drum container "HEDL -63" was observed to be partly degraded and deteriorated on the outside. It was placed into an 85-gallon over pack drum (#0031161) and transferred to CWC for storage. This over packed parent drum was transferred to WRAP in 2008 where it went through non-destructive examination and real time radiography (x-ray of the container). Both procedures failed to identify that there was no free liquids in the waste contents of the drum. Drum contents continued to be identified as non-debris when it was opened and waste material was placed on the WRAP glove box sorting table.

Once opened the waste in the drum was tested for pH and the results indicated the contents were acidic (less than 2). The NCOs added baking soda to the waste contents to neutralize the acid but only did a visual verification that the acid was completely neutralized. They also did not perform another pH test on the material after neutralization. NCOs repackaged the waste into two new drums (#0062288 and #0061308) that had an interior coating not fully chemical resistant. These two drums were placed into the WRAP 2404 WB building for storage.

On April 26, 2011, WRAP personnel were assigned to collect drums from 2404 WB in preparation for waste shipments to New Mexico. This is when the NCO noticed liquid pooled at the base of the 0062288 drum.

After the contamination of the NCO and RCT workers, notifications were provided to personnel working around the building. The WRAP building emergency director did not categorize the release of the liquid as a reportable occurrence to Ecology; however USDOE notified Ecology they were unable to perform weekly dangerous waste inspections because of the high alpha contamination in the building.

There are 15 other containers from this same wastestream. Because of this incident, two parent drums identified in the 15 HEDL containers were repackaged, each into two new drums or four total daughter drums. An additional 17 drums of secondary waste was generated from the clean-up and repackaging activities. All of the 15 HEDL containers and their daughter drums stored at WRAP and CWC were to be placed on spill pallets.

The WRAP leaker drum along with two other acid drums from the WRP burial grounds were shipped to PermaFix Northwest, an off-site commercial TSD facility in March 2012 for more neutralization and repackaging. Drums were then returned to Hanford for storage.

Ecology has been tracking the drum leak for 13 months (April 2011 to present). WRAP personnel told Ecology they are revising procedures for repackaging of waste streams as a result of this incident.

This drum leak incident contributed to the inspectors' growing concern that the containers stored at WRAP (and CWC) are stored without adequate waste designation and protection from the elements. WRAP stated that the roof of the 2404 WB building leaks "and finding liquid on the floor is not unusual after rain."

Through investigation and review of the waste steam's AK report, WRAP Data Management System report, WRAP's Root Cause Analysis Report and packaging/shipment checklist for the drum leak and a review of existing information on container management from waste retrieval operations, inspectors concluded that a significant number of containers from the burial grounds do not match the waste profiles developed by USDOE or CHPRC. An unacceptable number contain liquids or other hazards of concern that are not identified prior to dangerous waste storage.

The dangerous waste regulations require that when a TSD does not have complete and reliable knowledge about the contents of waste containers, the most stringent and protective management standards apply. WRAP's dangerous waste procedures do not meet the required standards for proper and safe management of containers and compatibility of waste with containers that contain unknowns. Additionally, WRAP and CWC fail on an on-going basis to adequately designate waste accepted for storage, and fail to verify waste they accept by using direct testing or visual checks.

The incident also contributed to the inspector's growing concern that WRAP (and CWC) does not follow proper notification requirements to Ecology for spills and releases. USDOE has stated on the record that it does not believe that Hanford personnel are the public, meaning they believe that the phrase "hazard to human health (or public health) and the environment" does not include the workers at Hanford.

3.0 Recommendation for Penalty

During early discussions on enforcement approach we were provided the direction by you and K Seiler of the Hazardous Waste and Toxics Reduction Program to prepare a penalty that captured the non-compliance at the solid waste operations complex. The specific goals of the enforcement included addressing the five problem areas presented to you as causal factors in the lack of compliance at these TSD unit groups:

- Spills and Releases
- General Waste Analysis
- Container Management
- Transportation
- Expansion

The recommended penalty responds to non-compliance in each of these subject areas either directly or indirectly by citing the violation and explaining the condition or behavior that resulted in the non-compliance.

The result of this analysis is summarized on **Attachment 1, RFE Penalty Assessment Evaluation**. The recommended penalty of \$1,266,000 is within the range of penalty calculated by using all of the lowest and highest possible penalty amounts. The resulting range is from \$123,000 to \$3,477,000.

The Nuclear Waste Program has the discretion to issue a penalty amount within this range because it can be supported by the evidence and the Hazardous Waste and Toxics Reduction Program Compliance Assurance Policy 3-1, Revised July 2011, for dangerous waste enforcement.

4.0 Recommendation for an Enforcement Order

Settlement negotiations of the penalty and the compliance citations are scheduled for October 15 and 16, 2012. If these talks are unsuccessful at settling the violations and setting a schedule for return to compliance we recommend a unilateral order.

Three options for enforcement were provided to you for consideration during our pre-enforcement discussions. In general we discussed taking one of the following actions:

- Issue a unilateral order with penalty,
- Offer an agreed order with stipulated penalty, and
- Issue a unilateral revision of the TPA.

These options were discussed with John Level and Lee Overton, assistant attorneys general, and with Andy Fitz, Division Manager of the Attorney General's Ecology Division. You are already aware of the pros and cons of each approach, and have received their input.

While these three options remain open to you subject to any further advice from Ecology's legal support, we are offering here our recommendation for a unilateral order.

The unilateral order would incorporate the violations from the CWC and WRAP inspections into one Administrative Order.

The administrative order sets out a schedule for returning the WRAP and CWC TSD Unit Groups to compliance with the dangerous waste regulations. The order provisions are consistent with changes being made currently to the Revision 9 Hanford Facility Dangerous Waste Permit. By issuing this order Ecology establishes clear compliance expectations and moves the TSD unit groups from interim status standards to final facility standards established in the new permit. It is the goal of the order to make the transition from complying with the order to meeting the final permit conditions seamless.

The administrative order will be based on the currently offered agreed order, developed in consultation with the Attorney General's office. The format of the order will change from agreed order to unilateral.

5.0 Summary and Conclusion

The cited regulations in the attached penalty table are central to an effective dangerous waste compliance program, what is referred to as “core RCRA” requirements. This means the cited regulations are well-tested, applicable, and clear in their interpretation. Your compliance team have meticulously investigated and documented the violations and put together a well-reasoned approach to enforcement.

The Nuclear Waste Program is at an important juncture with the on-going waste management activities within the solid waste operations complex. The waste retrieval project under the TPA M-91 milestone is suspended until 2016 according to the current Project Management Plan. This presents an opportunity to correct serious compliance problems and prepare these TSD unit groups to operate within the dangerous waste regulations when waste retrieval resumes. This recommended enforcement provides the needed correction to non-compliance with a penalty, and provides a roadmap in the form of a unilateral order for the Hanford Facility to return to compliance in the event settlement talks fail.

In 2005 compliance staff in the Nuclear Waste Program issued Administrative Order 1671 that cited many of the same issues about the failure of waste analysis and waste acceptance procedures to meet regulatory standards. The repeat nature of the situation calls for an enforcement response that is definitive about Ecology’s expectations of compliance at the Hanford Facility.

Policy 3-1 states that Ecology “...will take appropriate informal and formal enforcement actions to assure compliance while considering the special circumstances (i.e., the impacts on the public entity and the timeframes to return to compliance).” The policy goes on to state “If the public entity is found to be a significant non-complier with major violations, formal enforcement action must be considered.”

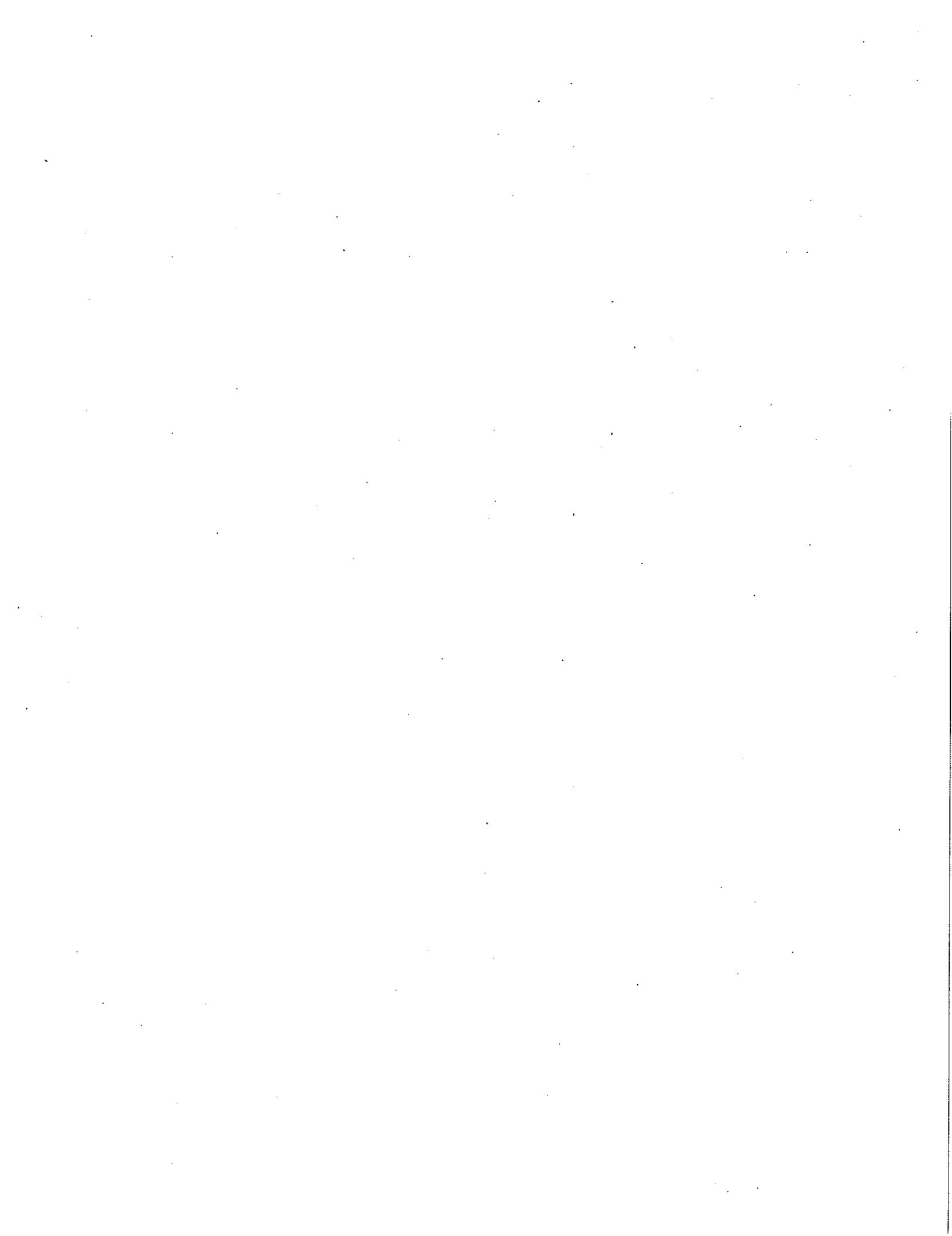
The Hanford Facility has been tagged as a significant non-complier for a number of years. Given the repeat nature of many of the violations and their common root cause, Ecology has substantial basis for issuing a new action.

This recommendation is a straight-forward and traditional approach to enforcement as opposed to the other two “innovative” options discussed in earlier meetings. If innovative approaches are needed as part of Ecology’s strategy to advance cleanup at the Hanford Facility, it is recommended that such innovations (penalty reductions, agreed orders, extensions to schedules, etc.) take place if and when the penalty and order are appealed, and within the normal course of settlement talks.

Please let us know if you have questions.

Kag/jb/kac

Attachment: 1. Penalty Table



DRAFT ATTACHMENT 1: PENALTY ASSESSMENT EVALUATION

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Citation from Chapter 173-303-WAC	Description of Violation	Evidence/Documentation	Penalty Range	Starting Penalty with Discretionary Factors and Calculations (Degree of deviation, history, good faith attempts to comply
-070(3) referencing WAC 173-303-070 (1)(a)	CWC – Failure to designate drums of liquid collected from the Z-Box in accordance with the listing identified for designation of the box.	<p>WRAP - Failure to accurately designate WRAP drums, and as a result a worker was injured. Waste designates as corrosive dangerous waste. CHPRC implemented a root cause analysis process. This is an industry-accepted evaluation process that is designed to identify the causal factors, human or technical, that caused the incident. The root cause analysis for this incident focused on decisions made by personnel to enter contaminated areas, rather than the actual causal factors that centered on failure to correctly identify the hazards of a waste prior to storage, and conducting maintenance of the roof of the building to avoid spills being mistaken for rainwater.</p> <ul style="list-style-type: none"> • WRAP Timeline for Drum 0062288 5/20/11 • Drum incompatibility evaluation of 5/24/11 • Solid Waste Information and Tracking System (SWITS) Report • WRAP Root Cause Analysis Report • WRAP CHPRC SPA for Acidic Debris • WRAP DNFSB Weekly Reports • Additional Supporting Docs on SharePoint • JB Email WRP Regulatory Concerns August 2011 • NEIC Notes [REDACTED] • CWC inspection report 2012 	<p>Major \$6,000 up to \$10,000</p> <p>Starting Penalty for WRAP drums: \$8,000 per drum, 17 drums total = \$136,000 Starting Penalty for CWC failure to designate: \$8,000</p> <p>Discretionary Factor Analysis per Compliance Assurance Policy 3-1:</p> <p>Small business consideration – this is a federal facility, so this factor will be left out of the rest of this table</p> <p>Degree of deviation: The harm that resulted from mis-designation at WRAP is significant, and it is a repeat violation as well – raise the penalty by \$1,000 per drum. USDOE and CHPRC “over designate” boxes to avoid sampling, and then do not manage derived waste as listed as required – raise the penalty by \$1,000.</p> <p>Historical background: Designation has been a long-standing problem at the Hanford Facility. This violation was cited in Administrative order 1671. Adjust upwards \$1,000</p> <p>Demonstration of good faith: The root cause analysis completely misses the root cause at WRAP – failure to properly designate – raise the penalty by \$1,000 per drum. USDOE and CHPRC either do not know the regulations, or they think they are exempt because the task of designating radioactive waste is challenging. Raise the penalty for the CWC designation of the liquids from the box by \$1,000.</p> <p>\$10,000 per container per incident is the statutory limit, and therefore the penalty calculation will be applied at \$10,000 per drum for 17 drums = \$170,000</p> <p>\$10,000 for the incident of failure to designate the liquid from the box as listed waste = \$10,000. Total Recommended Penalty = \$180,000</p>	<p>Final recommended penalty</p>

Note: Criteria from Enforcement Policy 3-1 Guidelines:
Minor range \$0 to \$3,000; starting penalty = \$3,000/Moderate range \$3,000 to \$6,000; starting penalty = \$6,000/Major range \$6,000 to \$10,000; starting penalty \$8,000

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Citation from Chapter 173-303-WAC	Description of Violation	Evidence/Documentation	Penalty Range	Starting Penalty with Discretionary Factors and Calculations (Degree of deviation, history, good faith attempts to comply	Final recommended penalty
-WAC 110(1), (2), and (3); referenced by -170(1) and 070(3) as well as -300	CWC – Samples taken by USDOE and CHPRC from liquid leaking from the box were taken in a container that was not appropriate for sampling; sample containers, sample protocols, and sample refrigeration requirements were not followed. Holding times were exceeded. The series of errors were all problematic for obtaining quality data as required by the regulations, and additionally were not consistent with established sampling procedures for the CWC TSD Unit Group.	CWC Inspection Report of 2012	Moderate – \$3,000 to up to \$6,000	Starting penalty = \$6,000 Discretionary Factor Analysis: Degree of deviation: Sampling entirely outside of established sampling protocol and the requirements for sampling a potential release of dangerous waste from a dangerous waste container is a significant deviation – raise the penalty by \$1,000. Historical background: Unknown – no increase or decrease in penalty.	Demonstration of good faith: USDOE and CHPRC tend to avoid sampling and laboratory analysis as a common practice, relying heavily on historical designation information. The lack of sampling capability, (skilled workers, sampling equipment, training in protocol) at a TSD facility indicates a lack of commitment toward compliance in this area - raise the penalty by \$1,000.
-145(2)	CWC - Failure to immediately and properly notify Ecology of a dangerous waste or hazardous substance release from 231-Z box – rad surveys detected released waste on the box on December 20, 2011.	WRAP – Failure to immediately and properly notify Ecology of a dangerous waste release – Ecology staff learned of the release by reviewing an occurrence report.	Major \$6,000 Up to \$10,000	\$8,000 for the incident of improper sampling = \$8,000 Starting Penalty: For CWC from December 20, 2011 through February 6, 2012 – 50 days total. \$8,000 per day for 50 days = \$400,000. For WRAP: \$8,000 for single occurrence. Discretionary Factors Analysis: Degree of deviation: Failing to properly notify Ecology is a repeat violation and has been the cause of past penalties to the facility. For CWC – this is a significant deviation from Ecology's compliance requirements – adjust upward \$1,000 per day. For WRAP adjust upward \$1,000.	Historical background: This specific regulation has not been cited in recent

Note: Criteria from Enforcement Policy 3-1 Guidelines:
 Minor range \$0 to \$3,000; starting penalty = \$3,000/Moderate range \$3,000 to \$6,000; starting penalty = \$6,000/Major range \$6,000 to \$10,000; starting penalty \$8,000

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Citation from Chapter 173-305- WAC	Description of Violation	Evidence/Documentation	Penalty Range	Starting Penalty with Discretionary Factors and Calculations (Degree of deviation, history, good faith attempts to comply)	Final recommended penalty
		<ul style="list-style-type: none"> • Additional Supporting Docs on SharePoint • Oct. 2, 2012 WRAP inspection report • Rad surveys – on arrival at CWC did not identify the box as a CA prior to December, 2011. 		<p>enforcement history (2000 to present).</p> <p>Demonstration of Good Faith: CWC – USDOE and CHPRC continue to deny that a radiological release from a mixed waste box is a cause for notification under the dangerous waste regulations. (The presence of alpha and/or beta radioactive contamination indicates the presence of particles, and could indicate the presence of a release of mixed waste.) In addition, the response to Ecology's concerns about the box was to withhold important information during the investigation, and to delay access to key witnesses for interviews by Ecology inspectors. Adjust upward \$1,000 per day. For WRAP the failure to notify kept Ecology from participating in waste management decisions that could have been improved by our involvement. Adjust upwards \$1,000.</p>	<p>\$10,000 per day for 50 days at CWC = \$500,000</p> <p>\$10,000 per incident at WRAP = \$10,000/</p> <p>Total Recommended Penalty = \$510,000</p>
-145(3)	CWC – Failure to stop a release in a timely manner.	<ul style="list-style-type: none"> • CWC Inspection Report 2012 <p>There was a three day delay in deploying spill containment after visible evidence of liquids were observed because the SWOC facilities manager, as the emergency spill coordinator, did not have the authority to go to an emergency supply and procure spill parts and had to wait three days for on-site workers to fabricate them.</p>	<p>Major \$6,000 up to \$10,000</p>	<p>Starting Penalty: \$8,000 per incident for three days = \$24,000</p> <p>Discretionary Factor Analysis</p> <p>Degree of Deviation: History of non-compliance and the repeat nature from prior enforcements warrants an increase of \$1,000.</p> <p>Historical Background – This problem has been cited before, and penalties have</p>	

Note: Criteria from Enforcement Policy 3-1 Guidelines:
 Minor range \$0 to \$3,000; starting penalty = \$3,000/Moderate range \$3,000 to \$6,000; starting penalty = \$6,000/Major range \$6,000 to \$10,000; starting penalty = \$8,000

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Citation from Chapter 173-303- WAC	Description of Violation	Evidence/Documentation	Penalty Range	Starting Penalty with Discretionary Factors and Calculations (Degree of deviation, history, good faith attempts to comply
				Final recommended penalty
				been issued. Prior penalties include failure to provide notice under CERCLA notification obligations under the Tri-Party Agreement. Adjust upwards 1,000 per incident per day.
				Demonstration of good faith: A TSD is required to identify an emergency coordinator or coordinators that have the authority to commit the resources needed to carry out the contingency plan (-360)(1). The SWOC facilities manager was not authorized to procure necessary spill response equipment, and had to wait until on-site personnel could manufacture the spill pans causing the three day delay. Withholding this necessary authority from the person in charge, is not operating in good faith and with adequate preparation. Adjust upward by \$1,000 per incident.
				\$10,000 per container per incident is the statutory limit, and therefore the penalty calculation will be applied at \$10,000 per incident per day = \$30,000
				Total Recommended Penalty = \$30,000

Note: Criteria from Enforcement Policy 3-1 Guidelines:
 Minor range \$0 to \$3,000; starting penalty = \$3,000/Moderate range \$3,000 to \$6,000; starting penalty = \$6,000/Major range \$6,000 to \$10,000; starting penalty \$8,000

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Citation from Chapter 173-303-WAC	Description of Violation	Evidence/Documentation	Penalty Range	Starting Penalty with Discretionary Factors and Calculations (Degree of deviation, history, good faith attempts to comply
				Final recommended penalty
40 CFR 265.51(b) referenced by -400(3)	WRAP – Failure to implement the contingency plan for a release (evacuation). Personnel were instructed to move to the door of the building, and to cease work, an evacuation.	Oct 2, 2012 WRAP Inspection report	Major \$6,000 up to \$10,000	<p>Starting penalty for incident - \$8,000</p> <p>Discretionary Factor Analysis:</p> <p>Degree of Deviation: History of non-compliance and the repeat nature from prior enforcement warrants an increase of \$1,000.</p> <p>Historical Background – Acting conservatively to implement notifications and the contingency plan has been discussed by prior Ecology inspectors after doing major revisions of the contingency plan system– According to previous Ecology inspectors USDOE was supposed to be erring on the side of caution.</p> <p>Demonstration of good faith: While USDOE now believes, after reviewing the CHPRC root cause analysis report, that WRAP should have acted more assertively. It took them months to come to this conclusion. Adjust upward by \$1,000 per incident.</p>

Note: Criteria from Enforcement Policy 3-1 Guidelines:
 Minor range \$0 to \$3,000; starting penalty = \$3,000/Moderate range \$3,000 to \$6,000; starting penalty = \$6,000/Major range \$6,000 to \$10,000; starting penalty = \$8,000

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Citation from Chapter 173-303-WAC	Description of Violation	Evidence/Documentation	Penalty Range	Starting Penalty with Discretionary Factors and Calculations (Degree of deviation, history, good faith attempts to comply)	Final recommended penalty
-300(1) and (2) by reference in - 400[3](a)(i)	CWC – Failure to confirm knowledge of dangerous waste in box 231-Z. USDOE provided a waste acceptance procedure document numbered "HNF-EP-0063, Rev. 16" when Ecology requested the waste analysis plan for CWC. This document is a procedure that contains a few elements of a waste analysis plan, but does not contain comprehensive processes for confirming knowledge of a waste.	<ul style="list-style-type: none"> WRAP – failure to confirm correctly (performing radiography and visual examination) the contents of the leaking drum that the AK document designated as solid hazardous debris with no free liquids. However, it contained liquid sludge, a plutonium nitric acid solution. USDOE and CHPRC had knowledge of the leaking drum, history of deviation, and good faith attempts to comply. SWITS Reports for 231-Z –Oct 2, 2012 WRAP Inspection Report PermaFix NW Inspection Report 2012 WRAP - CHPRC SPA for Acidic Debris Additional Supporting Docs on SharePoint SWITS Report - WRAP drum 	Major \$6,000 up to \$10,000	<p>Starting Penalty for WRAP: \$8,000 per container for fifteen drums and one CWC container = \$128,000</p> <p>Starting Penalty for CWC: \$8,000 for the Z-box.</p> <p>Discretionary Factor Analysis</p> <p>Degree of deviation: CWC – Actual release into the environment from the CWC 231-Z box is a significant deviation. The WRAP drum, and fifteen additional drums from the same source and the same trench, were mis-identified as hazardous debris and contained acidic sludge. One of the fifteen breached its container and as a result being misidentified, caused exposure of a worker. Adjust upward \$1,000 per container.</p> <p>Historical background: This regulation was cited as a violation in administrative order 1671 at the Hanford Facility. Adjust upwards \$1,000.</p>	Demonstration of good faith: Non-conformance incidents at PermaFix, an off-site TSD receiving waste from retrieval trenches during the summer of 2011, indicate that USDOE and CHPRC had knowledge that their waste identification process was not working. CWC – This box is from the retrieval trenches and is one of a number of containers that are called into question for characterization – there has been no movement toward improving their waste profiling system even though USDOE and CHPRC knows there are problems. For the WRAP incident; only after a series of missed opportunities to correct the wrong identification did USDOE and CHPRC correct the designation of these drums – and even after treatment of the leaking

Note: Criteria from Enforcement Policy 3-1 Guidelines:
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Citation from Chapter 173-303-WAC	Description of Violation	Evidence/Documentation	Penalty Range	Starting Penalty with Discretionary Factors and Calculations (Degree of deviation, history, good faith attempts to comply)	Final recommended penalty
	The incorrect application of the hazardous debris definition is CHPRC's basis for not conducting confirmation analyses.	<ul style="list-style-type: none"> • WRAP - DFNSEB Weekly Reports • WRAP - Occurrence Report • WRAP - Kathy Conaway phone and Email docs • Additional Supporting Docs on SharePoint 		<p>drum they failed to run laboratory analyses to re-characterize the waste. Adjust upwards \$1,000 per drum.</p> <p>\$10,000 per container per incident is the statutory limit, and therefore the penalty calculation will be applied at \$10,000 per container for fifteen containers from WRAP = \$150,000</p> <p>\$10,000 for the Z-box at CWC = \$10,000.</p> <p>Total Recommended Penalty = \$150,000</p>	
-320(1)	CWC – General Inspection; Dangerous Waste inspections failed to detect releases, and are not occurring often enough for containers of unknowns outside of containment.	<p>WRAP – General inspections – Allowing roof leaks to continue without assertive and timely action to repair was instrumental in allowing inspectors to believe any liquid on the floor was likely to be rainwater rather than a release of mixed waste.</p>	<p>CWC Inspection Report 2012</p> <p>Oct. 2, 2012 inspection report.</p>	<p>Major \$6,000 up to \$10,000</p> <p>Starting Penalty for two incidents: \$8,000 each</p> <p>Discretionary Factor Analysis</p> <p>Degree of deviation: The failure of the inspection program resulted in impacts to the environment at CWC, and exposure of a worker at WRAP, a significant deviation. Adjust upward \$1,000 each incident.</p> <p>Historical background: This regulation has not been cited in recent enforcement history. (2000 to present).</p>	

Note: Criteria from Enforcement Policy 3-1 Guidelines:
Minor range \$0 to \$3,000; starting penalty = \$3,000/Moderate range \$3,000 to \$6,000; starting penalty = \$6,000/Major range \$6,000 to \$10,000; starting penalty, \$8,000

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Citation from Chapter 173-303-WAC	Description of Violation	Evidence/Documentation	Penalty Range	Starting Penalty with Discretionary Factors and Calculations (Degree of deviation, history, good faith attempts to comply)	Final recommended penalty
-320(3)	CWIC General Inspection; responding to problems. Problems must be remedied on a schedule which prevents hazards to the public health and environment, and where a hazard is imminent or has already occurred, remedial action must be taken immediately.	WRAP – Failure to act to remedy roof leaks contributed to workers mistaking the drum leak for a routine puddle of rainwater.	CWIC Inspection Report 2012 Oct. 2, 2012 WRAP inspection report	Major \$6,000 up to \$10,000	repair the roof at the WRAP facility indicates a problem with on-going care and maintenance of storage structures. Adjust upward \$1,000. Total Recommended Penalty = \$20,000 Starting Penalty for CWIC: \$8,000 per day for three days = \$24,000 Starting Penalty for WRAP: \$8,000 for one documented incident. Discretionary Factor Analysis Degree of deviation: The failure to act immediately to remedy the problem by containing the spill and deploying containment, and in the case of WRAP failure to fix the roof, is significant. Adjust upwards \$1,000. Historical background: This regulation has not been cited in recent enforcement history (2000 to present). Demonstration of Good faith: This incident calls into question whether they have adequate capability under the DW Contingency Plan to respond to emergencies. Adjust upwards \$1,000 \$10,000 per day for three days at CWIC = \$30,000 \$10,000 for the roof incident at WRAP = \$10,000 Total Recommended Penalty = \$40,000
	The operator failed to act immediately to remedy the problem by deploying containment promptly – the stated reasons were the operator says containment trays took three days to construct, and is not authorized to go buy trays at a supply store in an emergency.				

Note: Criteria from Enforcement Policy 3-1 Guidelines:
Minor range \$0 to \$3,000; starting penalty = \$3,000/Moderate range \$3,000 to \$6,000; starting penalty = \$6,000/Major range \$6,000 to \$10,000; starting penalty \$8,000

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Citation from Chapter 173-308- WAC	Description of Violation	Evidence/Documentation	Penalty Range	Starting Penalty with Discretionary Factors and Calculations (Degree of deviation, history, good faith attempts to comply)	Final recommended penalty
-340(j)	CWC: Preparedness and prevention - required equipment Failure to provide, or maintain spill control equipment in dangerous waste storage areas for immediate response to spills and/or releases at the expansion area.	CWC Inspection Report 2012	Major \$6,000 up to \$10,000	Starting Penalty: \$8,000 Discretionary Factor Analysis Degree of deviation: The failure to have the correct and appropriate spill response equipment demonstrates a lack of preparedness. The result was a three day delay to obtain the spill control equipment. Adjust upwards \$1,000. Historical background: This regulation has not been cited in recent enforcement history (2000 to present). Demonstration of good faith: This incident calls into question whether they have adequate capability under the DW Contingency Plan to respond to emergencies. Adjust upwards \$1,000	Total Recommended Penalty: \$10,000

-340(j)	CWC: Preparedness and prevention - required equipment Failure to provide, or maintain spill control equipment in dangerous waste storage areas for immediate response to spills and/or releases at the expansion area. The operator did not have immediately available portable containment or temporary drip pans to deploy when the leak was discovered from the 231-Z box on February 6. The facility manager stated that he did not have the authority or the ability to expend funds to purchase response materials and it took three days to finally construct and deploy the required spill pans to stop the leak from entering the environment.	CWC Inspection Report 2012	Major \$6,000 up to \$10,000	Starting Penalty: \$8,000 Discretionary Factor Analysis Degree of deviation: The failure to have the correct and appropriate spill response equipment demonstrates a lack of preparedness. The result was a three day delay to obtain the spill control equipment. Adjust upwards \$1,000. Historical background: This regulation has not been cited in recent enforcement history (2000 to present). Demonstration of good faith: This incident calls into question whether they have adequate capability under the DW Contingency Plan to respond to emergencies. Adjust upwards \$1,000	Total Recommended Penalty: \$10,000
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Note: Criteria from Enforcement Policy 3-1 Guidelines:
 Minor range \$0 to \$3,000; starting penalty = \$3,000/Moderate range \$3,000 to \$6,000; starting penalty = \$6,000/Major range \$6,000 to \$10,000; starting penalty = \$8,000

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Citation from Chapter 173-383-WAC	Description of Violation	Evidence/Documentation	Penalty Range	Starting Penalty with Discretionary Factors and Calculations (Degree of deviation, history, good faith attempts to comply)	Final recommended penalty
40 CFR 265.51(b) incorporate by reference in -400(3)	WRAP: Failure to implement the Contingency Plan. Facility incorrectly made the determination not to implement. Personnel were evacuated from the 2404WB Building. Workers were exposed during the release. DOE allowed limited access to the building. Potential beryllium health hazards at the time of the release.	<ul style="list-style-type: none"> • Wrap Drum Spill Inspection Report 2012 • Occurrence Report on worker exposure who found the spill. • Building Emergency Plan for WRAP Rev. 14 Section 4.0 Implementation of the Plan. Section defines when to implement the plan. Pub. #97-1165-CP (Rev. 2-02) • CHPRC's MRAP Root Cause Analysis Report 	Major \$6,000 up to \$10,000	<p>Starting Penalty: \$8,000</p> <p>Discretionary Factor Analysis</p> <p>Degree of deviation: The failure to implement the contingency plan put workers at risk. Adjust upwards \$1,000.</p> <p>Historical background: This regulation has not been cited in recent enforcement history (2000 to present).</p> <p>Demonstration of good faith: The root cause analysis did not correctly identify the failure to implement the contingency plan, and did not correctly identify the root cause, failure to properly identify a waste. Adjust upwards \$1,000.</p>	Total Recommended Penalty = \$10,000

Note: Criteria from Enforcement Policy 3-1 Guidelines:
 Minor range \$0 to \$3,000; starting penalty = \$3,000/Moderate range \$3,000 to \$6,000; starting penalty = \$6,000/Major range \$6,000 to \$10,000; starting penalty \$8,000

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Citation from Chapter 173-303-WAC	Description of Violation	Evidence/Documentation	Penalty Range	Starting Penalty with Discretionary Factors and Calculations (Degree of deviation, history, good faith attempts to comply)	Final recommended penalty
-380(3)(g)	CW/C: Failure to produce items in the operating records requested during and after the inspection in a timely manner.	WRAP: Inspectors pre-arranged a site inspection date and time to review roof repair records for building 2404 WB building, but the records were not available when the inspectors arrive. Detailed information about the box release, field notes from sampling, and radiation surveys requested and either denied at first, or not provided as requested until management at the program manager level were involved. The delay in obtaining the operating records was significant.	<ul style="list-style-type: none"> CW/C Inspection Report 2012 Rad surveys submitted after repeated requests and denial Sample/Lab data requested twice. Field notes from initial sampling. 	<p>Minor \$0 up to \$3,000</p> <p>Starting Penalty for CW/C: \$3,000 per failure to produce operating records four times = \$12,000</p> <p>Starting Penalty for WRAP: \$3,000</p> <p>Discretionary Factor Analysis</p> <p>Degree of deviation: Failure to provide records about a release to the environment so that Ecology could evaluate the threat and the degree of hazard is a serious deviation. For the WRAP incident, USDOE & CHPRC personnel told Ecology even more buildings have leaking roofs, and that this is a long-standing issue at CWC and WRAP. Adjust upwards \$1,000 per incident.</p> <p>Historical background: Failure to keep, maintain, or produce records has been cited in prior enforcement actions, specifically administrative order 1671. Adjust upward \$1,000 per incident.</p> <p>Demonstration of good faith: Ecology staff had to involve management within Ecology and USDOE at the program manager level in order to get the required records. Adjust upwards \$1,000 per incident.</p>	<p>\$6,000 per failure to produce records five times at WRAP = \$24,000</p> <p>\$6,000 for CW/C = \$6,000</p> <p>Total Recommended Penalty = \$30,000</p>

Note: Criteria from Enforcement Policy 3-1 Guidelines:
Minor range \$0 to \$3,000; starting penalty = \$3,000/Moderate range \$3,000 to \$6,000; starting penalty = \$6,000/Major range \$6,000 to \$10,000; starting penalty \$8,000

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Citation from Chapter 173-303-WAC	Description of Violation	Evidence/Documentation	Penalty Range	Starting Penalty with Discretionary Factors and Calculations (Degree of deviation, history, good faith attempts to comply)	Final recommended penalty
-630(2)	CWC: Failure to maintain containers in good condition. If a container holding dangerous waste is not in good condition (e.g., severe rusting, apparent structural defects) or it begins to leak, the owner or operator must transfer the dangerous waste from the container to one that is in good condition or otherwise manage the waste in compliance.	CWC Inspection Report 2012	Major \$6,000 to \$10,000	Starting Penalty: \$8,000 Discretionary Factor Analysis Degree of deviation: The failure to provide to maintain containers in good condition is a significant deviation from the regulations. Adjust upwards \$1,000. Historical background: This regulation has not been cited within recent enforcement history (2000 to present). Demonstration of good faith: There is no clear evidence of the operator's intent regarding the care and maintenance of this container since 2009 – No adjustment of the penalty up or down recommended for this factor.	Total Recommended Penalty = \$9,000
-630(3)	CWC: Failure to adequately label containers with the major risk, and/or to maintain identification of containers; The owner or operator must ensure that labels are not obscured, removed, or otherwise unreadable in the course of inspection required under	WRAP: Facility failed to adequately label containers on the leaking drum and the 17 drums associated with the RLM325D mixed waste stream. DV labels with D002, corrosive, acid, solid/liquid were placed on the containers only after the release.	CWC Inspection Report 2012 Letter 12-EMD-0064, 4/19/12 from USDOE to Ed Kowalski DV labels were placed on the box after the leaking incident began. (See photos before and after.)	Major \$6,000 to \$10,000	Starting Penalty: \$8,000 per container for 15 WRAP drums and the CWC box - 16 containers total = \$128,000 Discretionary Factors Analysis Degree of Deviation: For the CWC, CHPRC staff admitted that they only check for correct labeling of containers perhaps once per year, and then only for a sampling of containers because the task is "time consuming." Inspectors therefore do not know when they look at a container whether it has the correct label on it. For WRAP, the failure to adequately characterize and verify a waste directly contributed to the false labeling. Opportunities were missed to correctly label, and CHPRC

Note: Criteria from Enforcement Policy 3-1 Guidelines:
Minor range \$0 to \$3,000; starting penalty = \$3,000/Moderate range \$3,000 to \$6,000; starting penalty = \$6,000/Major range \$6,000 to \$10,000; starting penalty \$8,000

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Citation from Chapter 173-303-WAC	Description of Violation	Evidence/Documentation	Penalty Range	Starting Penalty with Discretionary Factors and Calculations (Degree of deviation, history, good faith attempts to comply)	Final recommended penalty
	WAC 173-303-320.	<ul style="list-style-type: none"> Wrap Drum Spill Inspection Report 2012 	failed to act. Adjust upward \$1,000 per container:	<p>Historical background: This regulation was cited as recently as 2008 as a violation. Adjust upwards \$1,000</p> <p>Demonstration of good faith: For both CW/C and WRAP, the job of container management is central to the function of the facilities, yet it is not seen as a priority as part of safe operations. This shows a serious lack of good faith in the central task waste management. Adjust upward \$1,000 per container.</p> <p>\$10,000 per container per incident is the statutory limit, and therefore the penalty calculation will be applied at \$10,000 per container for 16 containers total = \$160,000</p>	Total Recommended Penalty = \$160,000
630(4)	WRAP: Compatibility of waste with containers. The owner or operator must use a container made of or lined with materials which will not react with, and are otherwise compatible with, the dangerous waste to be stored, so that the ability of the container to contain the waste is not impaired.	<ul style="list-style-type: none"> Wrap Drum Spill Inspection Report 2012 CHPRC SPA for Acidic Debris 	Major \$6,000 to \$10,000	<p>Starting Penalty: \$8,000 per container for five containers = \$40,000</p> <p>Discretionary Factors Analysis</p> <p>Degree of Deviation: Proper container selection is a central requirement for making sure waste is properly managed for storage. Placing a corrosive waste back into a metal container without complete knowledge of all the characteristics of the waste is negligence. There were several missed opportunities to repackage the corrosive waste into a container that was made from compatible materials. Adjust upwards \$1,000 per container.</p>	

Note: Criteria from Enforcement Policy 3-1 Guidelines:
 Minor range \$0 to \$3,000; starting penalty = \$3,000/Moderate range \$3,000 to \$6,000; starting penalty = \$6,000/Major range \$6,000 to \$10,000; starting penalty = \$8,000

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Citation from Chapter 173-383-WAC	Description of Violation	Evidence/Documentation	Penalty Range	Starting Penalty with Discretionary Factors and Calculations (Degree of deviation, history, good faith attempts to comply)	Final recommended penalty
	the daughters was the drum that leaked at WRAP). The three non-leaker daughter drums were repackaged the same way as the leaker daughter drum. Drum #s 0031161, 0062288, 0061308, 0062289, 0081216			Historical background: This regulation has not been cited within recent enforcement history (2000 to present). Demonstration of Good Faith: The root cause analysis fails to identify the key issue of proper waste identification, and therefore the risk that would make it possible to select the proper container type. Adjust upward \$1,000 per container. \$10,000 per day per container for five containers = \$50,000	Total Recommended Penalty = \$50,000
-630(5)(b)	CWC: A container holding dangerous waste must not be opened, handled, or stored in a manner which may rupture the container or cause it to leak.	• CWC Inspection Report • Procedure number "HNF-EP-0063, Rev. 16" submitted to Ecology upon request as the CWC waste analysis plan and waste acceptance procedure - this document lacks directives on assessing container integrity, or guidance on what to do when a container is deteriorating.	Major \$6,000 to \$10,000	Starting Penalty: \$8,000 Discretionary Factor Analysis Degree of deviation: Significant deviation from acceptable storage standards. Adjust upward \$1,000. Historical background: This regulation has not been cited within recent enforcement history (2000 to present). Demonstration of good faith: CHPRC failed to act assertively to protect this box that dates from the 1907's and is one of the oldest boxes at CWC. Adjust upwards \$1,000.	Total Recommended Penalty = \$10,000

Note: Criteria from Enforcement Policy 3-1 Guidelines:
 Minor range \$0 to \$3,000; starting penalty = \$3,000/Moderate range \$3,000 to \$6,000; starting penalty = \$6,000/Major range \$6,000 to \$10,000; starting penalty \$8,000

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Citation from Chapter 173-303-WAC	Description of Violation	Evidence/Documentation	Penalty Range	Starting Penalty with Discretionary Factors and Calculations (Degree of deviation, history, good faith attempts to comply)	Final recommended penalty
-630(6)	WRAP: Failure to perform weekly inspections of containers in the 2404-WB building. Four weekly inspections were missed and recorded in the inspection log.	<ul style="list-style-type: none"> 3/13/11 letter from USDOE to Ecology notifying of their inability to perform weekly DW inspections of containers in the 2404-WB building. 6/8/11 letter from USDOE to Ecology notifying that DW inspections of containers stored in the 2404-WB at WRAP had resumed May 24, 2011. 2404-WB maintains this is a covered storage area, therefore the cover cannot leak. 	Moderate \$3,000 to \$6,000	<p>Starting Penalty: \$6,000 per week for 4 weeks = \$24,000</p> <p>Discretionary Factor Analysis</p> <p>Degree of deviation: Failure to conduct inspections is a significant deviation from normal operations. Failure to conduct routine maintenance of a containment structure in a timely manner contributed to the assumption of workers that puddles on the floor were from rainwater. Adjust upwards \$1,000 per week.</p> <p>Historical background: Historical background: This regulation has not been cited within recent enforcement history (2000 to present).</p> <p>Demonstration of good faith: Ecology was notified that the inspections could not be done because of contamination. The roof has only just been prepared after the onset of this incident, over a year's time. Failure to promptly conduct necessary repairs shows a lack of care for the waste storage structures. Adjust downwards \$1,000 per week.</p>	Total Recommended Penalty = \$24,000

Note: Criteria from Enforcement Policy 3-1 Guidelines:
Minor range \$0 to \$3,000; starting penalty = \$3,000/Moderate range \$3,000 to \$6,000; starting penalty = \$6,000/Major range \$6,000 to \$10,000; starting penalty \$8,000

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Citation from Chapter 173-303-WAC	Description of Violation	Evidence/Documentation	Penalty Range	Starting Penalty with Discretionary Factors and Calculations (Degree of deviation, history, good faith attempts to comply WAC)
-630(7) as referenced by 400(3)(ii)	CWC - Failure to provide an adequate secondary containment system. The CWC outdoor expansion area is a gravelled surface area that does not have secondary containment system. In addition, the CWC expansion area did not have a system to protect containers from the elements by means of a building or other protective covering.	CWC Inspection Report 2012	Major	Starting penalty: \$8000 Discretionary Factor Analysis: Degree of deviation: Expansion into the graveled areas for storage was done without due consideration to the potential for liquid contents in the containers. The Z-box was identified as containing hazardous debris, yet a significant number of containers identified this way have turned out to have liquids in them that require secondary containment. Adjust upwards \$1,000. Historical Background: It is known that there are past practices of storing containers on dirt or gravel. There are no recent enforcements on this issue. Demonstration of good faith: USDOE and CHPRC should have considered that the boxes in these areas are not appropriate for long term exposure to the elements, and more recently because of non-conformances of waste sent to Permafix, should have reconsidered the expansion area as appropriate storage before the leaking incident on February 6, 2012. Adjust upwards \$1,000.

-630(7) as referenced by 400(3)(ii)	CWC - Failure to provide an adequate secondary containment system. The CWC outdoor expansion area is a gravelled surface area that does not have secondary containment system. In addition, the CWC expansion area did not have a system to protect containers from the elements by means of a building or other protective covering.	CWC Inspection Report 2012	Major	Starting penalty: \$8000 Discretionary Factor Analysis: Degree of deviation: Expansion into the graveled areas for storage was done without due consideration to the potential for liquid contents in the containers. The Z-box was identified as containing hazardous debris, yet a significant number of containers identified this way have turned out to have liquids in them that require secondary containment. Adjust upwards \$1,000. Historical Background: It is known that there are past practices of storing containers on dirt or gravel. There are no recent enforcements on this issue. Demonstration of good faith: USDOE and CHPRC should have considered that the boxes in these areas are not appropriate for long term exposure to the elements, and more recently because of non-conformances of waste sent to Permafix, should have reconsidered the expansion area as appropriate storage before the leaking incident on February 6, 2012. Adjust upwards \$1,000.
				Total Recommended Penalty = \$10,000

Note: Criteria from Enforcement Policy 3-1 Guidelines:
 Minor range \$0 to \$3,000; starting penalty = \$3,000/Moderate range \$3,000 to \$6,000; starting penalty = \$5,000/Major range \$6,000 to \$10,000; starting penalty \$3,000

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Citation from Chapter 173-303-WAC	Description of Violation	Evidence/Documentation	Penalty Range	Starting Penalty with Discretionary Factors and Calculations (Degree of deviation, history, good faith attempts to comply)
-830 (4)(b) and Appendix I.F.2.a; WAC 173-303-810(14)	CM/C: Failure to submit a complete permit modification request prior to expansion.	<ul style="list-style-type: none"> • CWC Inspection Report 2012 • 2008 Part A Revision permit modification documents (submitted by CHPRC to change operator name demonstrates they knew a modification was the proper way to make changes to the facility) 	Minor \$0 - \$3,000	<p>Starting Penalty: \$3,000</p> <p>Discretionary Factor Analysis:</p> <p>Degree of deviation: Expansion by adding a new unit without prior approval is a substantial deviation from the requirements for changes to a TSD facility under permit. Adjust upwards \$1,000.</p> <p>Historical Background: CHPRC submitted a permit modification on Revision 8C when it became the new operator.</p> <p>Demonstration of good faith: The fact that the operator knew a permit modification was required when there was an operator change indicates CHPRC knew changes under the permit require a permit modification. Adjust upwards \$1,000.</p> <p>Total Recommended Penalty = \$5,000</p>

Range of penalty from low to high - \$123,000 to \$3,477,000
Low calculated with low end of penalty for each violation, once, per facility. Highest possible penalty calculated with the high end of the penalty range for each violation, per incident or container, per day.

Total Recommended Penalty for 17 violations: \$1,266,000

Note: Criteria from Enforcement Policy 3-1 Guidelines:
Minor range \$0 to \$3,000; starting penalty = \$3,000/Moderate range \$3,000 to \$6,000; starting penalty = \$6,000/Major range \$6,000 to \$10,000; starting penalty \$8,000

